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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To provide that Donald J. Trump is ineligible to again hold the office of President of the United States or to hold any office, civil or military, under the United States.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. CICILLINE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To provide that Donald J. Trump is ineligible to again hold the office of President of the United States or to hold any office, civil or military, under the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress finds the following:

5               (1) Section 3 of the Fourteenth Amendment to  
6       the Constitution of the United States states: “No  
7       person shall be a Senator or Representative in Con-

1       gress, or elector of President and Vice President, or  
2       hold any office, civil or military, under the United  
3       States, or under any state, who, having previously  
4       taken an oath, as a member of Congress, or as an  
5       officer of the United States, or as a member of any  
6       state legislature, or as an executive or judicial officer  
7       of any state, to support the Constitution of the  
8       United States, shall have engaged in insurrection or  
9       rebellion against the same, or given aid or comfort  
10      to the enemies thereof.”.

11           (2) Section 5 of the Fourteenth Amendment  
12      states: “The Congress shall have power to enforce,  
13      by appropriate legislation, the provisions of this arti-  
14      cle.”.

15           (3) The Presidency is an office under the  
16      United States.

17           (4) Mr. Donald J. Trump did engage in insur-  
18      rection against the United States by mobilizing, in-  
19      citing, and aiding those who attacked the United  
20      States Capitol on January 6, 2021, to disrupt cer-  
21      tification of the 2020 Presidential Election as re-  
22      quired by the Twelfth Amendment to the Constitu-  
23      tion and the Electoral Count Act of 1887 (3 U.S.C.  
24      15), and a majority of both the House of Represent-  
25      atives and the United States Senate concluded as

1 much through the House of Representatives' vote to  
2 impeach Mr. Trump for high crimes and mis-  
3 demeanors and the majority of the Senate voting to  
4 convict Mr. Trump of Incitement of Insurrection on  
5 February 13, 2021, with a vote of 57–43.

6 (5) Evidence has come forward that Mr. Trump  
7 and his advisors strategically refused to accept the  
8 results of the 2020 Presidential Election in Novem-  
9 ber 2020 and attempted to cast doubt on the elec-  
10 tion results, including as follows:

11 (A) Recorded testimony by Jason Miller,  
12 former Trump Campaign Senior Advisor,  
13 played during the June 13, 2022, hearing held  
14 by the Select Committee to Investigate the Jan-  
15 uary 6th Attack on the United States Capitol  
16 (hereinafter referred to as the “January 6th  
17 Committee”) revealed that Rudy Giuliani, Mr.  
18 Trump’s lawyer, urged Mr. Trump to declare  
19 victory on election night. Mr. Miller recalled  
20 Mr. Giuliani saying “They’re stealing it from  
21 us. Where did all the votes come from?”.

22 (B) In the same hearing, recorded testi-  
23 mony by William Stepien, former Trump Cam-  
24 paign Manager, revealed that he encouraged  
25 Mr. Trump not to declare victory but rather to

1 say that votes were still being counted and it  
2 was too early to declare a winner. Mr. Stepien  
3 testified that Mr. Trump disagreed with this  
4 approach.

5 (C) In the same hearing, recorded testi-  
6 mony by Mr. Stepien alluded to a divide within  
7 the White House between “Team Normal” and  
8 those insistent on challenging the election, in-  
9 cluding Mr. Giuliani.

10 (D) The January 6th Committee presented  
11 evidence in an October 13, 2022 hearing that  
12 an October 31, 2020, draft statement prepared  
13 by Tom Fitton, an outside advisor for Mr.  
14 Trump, indicated a plan for Mr. Trump to de-  
15 clare victory on the night of the 2020 Election  
16 before all ballots were counted or the final re-  
17 sults were known, claiming that all ballot-count-  
18 ing must stop at that point in the evening.

19 (6) Evidence has shown that Mr. Trump at-  
20 tempted to implement a detailed strategy, drafted by  
21 his lawyer, John Eastman, to have Mr. Mike Pence  
22 refuse to certify the 2020 Presidential Election re-  
23 sults on January 6, 2021, despite Mr. Trump and  
24 his advisors being repeatedly advised that the plan  
25 was unconstitutional, including as follows:

1 (A) A Memo from John Eastman to Mr.  
2 Trump outlined a 6-point detailed strategy, ti-  
3 tled “January 6 scenario,” to overturn the  
4 2020 Presidential election.

5 (B) Mr. Eastman’s plan involved Mr.  
6 Trump asking Mr. Pence to refuse to certify  
7 certain electoral votes from 7 States, announc-  
8 ing that there were no electors validly appointed  
9 from these States and these States’ votes would  
10 need to be discarded, then announce the major-  
11 ity of the valid electors voted for Mr. Trump in-  
12 stead of Joseph Biden.

13 (C) The memo continued that if Members  
14 of Congress opposed this unlawful change in  
15 the slates of electors for these States, Mr.  
16 Pence was to declare that neither candidate  
17 would reach the needed 270 electoral votes,  
18 then call for the vote to be made by the House  
19 of Representatives in a voting system that  
20 would assign each State one vote, under-  
21 standing that Republicans controlled a majority  
22 of States and would most likely vote for the re-  
23 election of Mr. Trump.

24 (D) Recorded testimony by Marc Short,  
25 Mr. Pence’s Chief of Staff, played during the

1           June 16, 2022, January 6th Committee hearing  
2           made clear that John Eastman presented legal  
3           theories to Mr. Pence that suggested that he  
4           had the authority to reject electors who voted  
5           for President Biden. Mr. Short testified that  
6           Mr. Pence was unconvinced by these theories,  
7           and in his book, Mr. Pence wrote that he “had  
8           told the president many times that the vice  
9           president, as president of the Senate, is af-  
10          forded no authority to reject or return votes to  
11          the states and no vice president in history had  
12          ever asserted that authority.”.

13                 (E) In the same hearing, recorded testi-  
14          mony by Mr. Short confirmed that Mark Mead-  
15          ows, former White House Chief of Staff, ac-  
16          knowledged to him multiple times before Janu-  
17          ary 6, 2021, that the Vice President had “no  
18          role” in changing the results of an election.

19                 (F) In the same hearing, recorded testi-  
20          mony by Mr. Miller revealed that Pat Cipollone,  
21          former White House Attorney, expressed his be-  
22          lief that Mr. Eastman’s theory was “nutty,”  
23          and had told Mr. Eastman that he thought so.

24                 (G) In the same hearing, Greg Jacob,  
25          former counsel to Mr. Pence, testified that Mr.

1 Eastman acknowledged in a January 5, 2021,  
2 conversation that if the matter went in front of  
3 the Supreme Court of the United States, they  
4 would lose, 9–0. Mr. Pence confirmed this in  
5 his book, writing: “...even Eastman had con-  
6 ceded to Mr. Jacob that rejecting electoral votes  
7 was a bad idea and any attempt to do so would  
8 quickly be overturned by a 9-0 vote on the Su-  
9 preme Court.”.

10 (H) In the same hearing, Mr. Jacob fur-  
11 ther testified that Mr. Eastman acknowledged  
12 in that same conversation that no other vice  
13 presidents, past or future, should have the au-  
14 thority to reject the results of an election. De-  
15 spite this, Mr. Eastman reaffirmed to Mr.  
16 Jacob that Mr. Pence ought to reject the re-  
17 sults of the election on January 6th.

18 (I) In the same hearing, recorded testi-  
19 mony by Eric Herschmann, former White  
20 House Attorney, revealed that Mr. Eastman ac-  
21 knowledged that he was willing to accept that  
22 there may be violence as a result of his efforts  
23 to overturn the election.

24 (J) In the same hearing, recorded testi-  
25 mony by Mr. Short revealed that Mr. Pence ad-

1           vised Mr. Trump that the vice president had no  
2           legal or constitutional authority to interfere  
3           with an election. In his book, Mr. Pence wrote  
4           of the first time he heard of challenging the  
5           election results: "...there was no ambiguity in  
6           the Constitution or the law about the role of the  
7           vice president, and I never believed that the vice  
8           president's role was anything more than cere-  
9           monial."

10                 (K) In his book, Mr. Pence also wrote that  
11           Mr. Trump questioned why Mr. Pence opposed  
12           Congressman Louie Gohmert's lawsuit filed in  
13           Federal court asking "a Texas judge appointed  
14           by President Trump to declare that [Mr.  
15           Pence] had 'exclusive authority and sole discre-  
16           tion' to decide which electoral votes should be  
17           counted.". Mr. Pence said that Mr. Trump  
18           "came on strong" and said to him: "I don't  
19           want to see 'Pence Opposes Gohmert Suit' as a  
20           headline this morning" and asked Mr. Pence "if  
21           it gives you power, why would you oppose it?".  
22           Pence also wrote: "I told [President Trump], as  
23           I had told him many times before, that I did  
24           not believe I possessed the power under the  
25           Constitution to decide which votes to accept or



1 reject. He just kept coming.”. Mr. Pence said  
2 that Mr. Trump replied by saying: “You’re too  
3 honest” and told Mr. Pence that “hundreds of  
4 thousands are gonna hate your guts” and “peo-  
5 ple are gonna think you’re stupid.”.

6 (L) Mr. Pence wrote in his book that Mr.  
7 Trump told him that “[Mr. Pence had] the ab-  
8 solute right to reject electoral votes,” and told  
9 Mr. Pence “You can be a historic figure...but if  
10 you wimp out, you’re just another somebody.”.

11 (M) Mr. Pence also wrote in his book that  
12 Mr. Trump told him “I think you have the  
13 power to decertify.”. Mr. Pence wrote that he  
14 told the president again that he did not believe  
15 he had the authority, and that such authority  
16 “belongs to the elected representatives of the  
17 people”. When Mr. Pence said that they had a  
18 duty to support and defend the Constitution,  
19 Mr. Trump reportedly called him “naive” and  
20 later suggested that he would “have to say that  
21 [Mr. Pence] did a great disservice”.

22 (N) Mr. Jacob testified in the June 16,  
23 2022, January 6th Committee hearing that in  
24 the evening of January 6, after the violence had  
25 been quelled, Mr. Eastman contacted him to

1 ask whether Mr. Pence would consider “one  
2 more relatively minor violation” by delaying the  
3 certification of votes for ten days.

4 (O) Mr. Trump and members of his ad-  
5 ministration reportedly ran a “command cen-  
6 ter”, which has also been referred to as a “war  
7 room”, in the days leading up to and on Janu-  
8 ary 6 at the Willard InterContinental Wash-  
9 ington D.C. Hotel, with the purpose of pre-  
10 venting the certification of Joseph Biden’s vic-  
11 tory in the 2020 Presidential election.

12 (P) This “command center” reportedly  
13 served as a central location for members of Mr.  
14 Trump’s administration to attempt to convince  
15 legislators not to vote for the certification of the  
16 2020 Presidential election results and to call on  
17 Mr. Trump’s supporters to pressure elected of-  
18 ficials not to certify those results.

19 (Q) Those working at the “command cen-  
20 ter” also reportedly attempted to pressure Mr.  
21 Pence to delay or block the certification of the  
22 2020 Presidential election results.

23 (R) Recorded testimony by Eric  
24 Herschmann, former White House Attorney,  
25 played during the June 16, 2022, January 6th

1 Committee hearing revealed that Mr. Giuliani  
2 seemed to concede on the morning of January  
3 6 to Mr. Herschmann's belief that the Vice  
4 President had no authority to reject the results  
5 of the election, admitting: "Look, I believe that  
6 you're probably right."

7 (S) Despite advice that the Vice President  
8 could not reject electors, including from Mr.  
9 Pence, on January 5, 2021, Mr. Trump tweeted  
10 that "The Vice President has the power to re-  
11 ject fraudulently chosen electors".

12 (T) On January 6, 2021, when Mr. Pence  
13 did not attempt to reject the electors, Mr.  
14 Trump tweeted: "Mike Pence didn't have the  
15 courage to do what should have been done to  
16 protect our Country and our Constitution, giv-  
17 ing States a chance to certify a corrected set of  
18 facts, not the fraudulent or inaccurate ones  
19 which they were asked to previously certify.  
20 USA demands the truth!". In Mr. Pence's book,  
21 reflecting on the rioters "ransacking the Cap-  
22 itol" and some of them chanting "Hang Mike  
23 Pence!", he wrote that "[President Trump] had  
24 decided to be part of the problem."

1           (7) Evidence has shown that Donald Trump in-  
2           tentionally cast doubt on the legitimacy of the 2020  
3           Presidential election through promoting unfounded  
4           theories of voter and election fraud, despite being  
5           advised no significant fraud existed, including as fol-  
6           lows:

7                   (A) Donald Trump spent months pro-  
8                   moting the false narrative that the 2020 Presi-  
9                   dential Election was fraudulent, tweeting and  
10                  making statements including: “[b]ecause of the  
11                  new and unprecedented massive amount of un-  
12                  solicited ballots which will be sent to ‘voters’, or  
13                  wherever, this year, the Nov 3rd Election result  
14                  may NEVER BE ACCURATELY DETER-  
15                  MINED, which is what some want” on Sep-  
16                  tember 17, 2020; “We have to win the election.  
17                  We can’t play games. Go out and vote. Do  
18                  those beautiful absentee ballots, or just make  
19                  sure your vote gets counted. Make sure because  
20                  the only way we’re going to lose this election is  
21                  if the election is rigged,” on August 17, 2020;  
22                  and “With Universal Mail-In Voting (not Ab-  
23                  sentee Voting, which is good), 2020 will be the  
24                  most INACCURATE & FRAUDULENT Elec-  
25                  tion in history...It will be a great embarrass-

1           ment to the USA. Delay the Election until peo-  
2           ple can properly, securely and safely vote???"  
3           on July 30, 2020.

4           (B) Recorded testimony by former Attor-  
5           ney General Bill Barr played during the June  
6           9, 2022, January 6th Committee hearing re-  
7           vealed that Mr. Barr had told Mr. Trump that  
8           “the idea of saying the election was stolen and  
9           putting out this stuff...was bullshit.”.

10          (C) Recorded testimony by Mr. Barr  
11          played during the June 13, 2022, January 6th  
12          Committee hearing revealed that Mr. Trump  
13          complained that the Department of Justice was  
14          not investigating claims of election fraud, to  
15          which Mr. Barr replied that the Department  
16          would investigate credible and specific claims,  
17          but the Department was not an extension of the  
18          president’s personal legal team and suggested  
19          the election fraud claims were “just not meri-  
20          torious”.

21          (D) In the same hearing, recorded testi-  
22          mony by Mr. Barr further revealed that he  
23          found Mr. Trump’s allegations about the Do-  
24          minion voting machines perpetuating fraud to

1 be disturbing: "...‘disturbing’ in the sense that  
2 I saw absolutely zero basis for the allegations.”.

3 (E) Recorded testimony by Ivanka Trump,  
4 Mr Trump’s daughter, played during the June  
5 9, 2022, January 6th Committee hearing re-  
6 vealed that she accepted Mr. Barr’s conclusion  
7 that there was no evidence of fraud sufficient to  
8 overturn the election.

9 (F) In a June 13, 2022, January 6th  
10 Committee hearing, Al Schmidt, former City  
11 Commissioner of Philadelphia, testified that  
12 there was no significant evidence of voter fraud  
13 in the 2020 election in his State like Mr.  
14 Trump had claimed.

15 (G) In the same hearing, Byung J.  
16 “BJay” Pak, former U.S. Attorney for the  
17 Northern District of Georgia, testified that Mr.  
18 Trump requested that he investigate a video  
19 which he believed showed election workers pull-  
20 ing out a suitcase of ballots in Atlanta, Georgia.  
21 An investigation revealed that the suitcase was  
22 in fact an official lockbox, and Mr. Pak con-  
23 firmed his investigations found no evidence of  
24 widespread voter fraud sufficient to undermine  
25 confidence in the election results in Georgia.

1 Mr. Pak reportedly resigned in January 2021  
2 in response to pressure from Mr. Trump to  
3 overturn the results in Georgia.

4 (H) In the same hearing, recorded testi-  
5 mony by Richard Donoghue, former acting  
6 Deputy Attorney General, revealed that Mr.  
7 Trump was repeatedly informed that allegations  
8 of voter fraud were not supported by the evi-  
9 dence. Mr. Donoghue stated that as each con-  
10 spiracy theory was debunked, Mr. Trump  
11 “wouldn’t fight us on it, but he would move on  
12 to another allegation.”.

13 (I) Recorded testimony by General Mark  
14 Milley, Chairman of the Joint Chiefs of Staff,  
15 played during an October 13, 2022, January  
16 6th Committee hearing revealed that, in an  
17 Oval Office meeting after the election, either  
18 Mr. Trump or Secretary of State Mike Pompeo  
19 acknowledged that President-Elect Biden would  
20 be taking over as President.

21 (J) In the same hearing, recorded testi-  
22 mony by Alyssa Farah, former White House  
23 Communications Director, revealed that, a week  
24 after the election had been called for President-  
25 Elect Biden, Mr. Trump acknowledged his elec-

1           tion loss in private, saying, “Can you believe I  
2           lost to this effing guy?” in reference to Presi-  
3           dent-Elect Biden.

4           (K) In the same hearing, recorded testi-  
5           mony by Cassidy Hutchinson, former Aide to  
6           then-Chief of Staff Mark Meadows, revealed  
7           that Mr. Meadows told her that Mr. Trump re-  
8           peatedly confided to Mr. Meadows that he had  
9           lost the election but wanted to continue to try  
10          to overturn the result.

11          (8) Evidence has shown that Mr. Trump, after  
12          the November 2020 Presidential Election, tried to  
13          have the results overturned through intimidation of  
14          State officials and attempting to have voting ma-  
15          chines seized, including as follows:

16          (A) The January 6th Committee presented  
17          evidence in a July 12, 2022, hearing that on  
18          the evening of December 18, 2020, Donald  
19          Trump was visited in the White House by Sid-  
20          ney Powell (attorney for Mr. Trump), Michael  
21          Flynn (former National Security Adviser for  
22          Mr. Trump), and Patrick Byrne (founder of  
23          Overstock.com) for a private, unplanned meet-  
24          ing. The Committee showed a draft executive  
25          order which ordered the Secretary of Defense to



1           seize States’ voting machines and appoint a  
2           Special Counsel (Ms. Powell) to prosecute per-  
3           petrators of election fraud.

4           (B) In the same hearing, recorded testi-  
5           mony by Pat Cipollone, former White House  
6           counsel, revealed that he was of the opinion  
7           that Ms. Powell, Mr. Flynn, and Mr. Byrne  
8           were not giving Mr. Trump good legal advice.  
9           Mr. Cipollone testified that when he expressed  
10          his concerns to Mr. Trump, the aforementioned  
11          three began “attacking [him] verbally”.

12          (C) Hon. Jeffrey A. Rosen, former Acting  
13          Attorney General, testified in a June 23, 2022,  
14          January 6th Committee hearing that Mr.  
15          Trump asked the Department of Justice in late  
16          December to seize voting machines from State  
17          governments, which Mr. Rosen insisted they  
18          had no authority to do.

19          (D) In the same hearing, Richard  
20          Donoghue, former acting Deputy Attorney Gen-  
21          eral, testified that because they refused to say  
22          that there was election fraud, Mr. Trump  
23          threatened in a December 31, 2020, meeting to  
24          remove both Mr. Donoghue and Mr. Rosen  
25          from their positions, saying: “People tell me

1           that I should just get rid of both of you, I  
2           should just remove you...Maybe something will  
3           finally get done.”.

4           (E) Mr. Trump “publicly and privately at-  
5           tempted to impede Georgia officials” from certi-  
6           fying Georgia’s election results in favor of Jo-  
7           seph Biden, by calling Georgia’s Secretary of  
8           State Brad Raffensperger an “enemy of the  
9           people” for refusing to overturn Georgia’s elec-  
10          tion results and by placing “inappropriate pres-  
11          sure on the Office of the U.S. Attorney for the  
12          Northern District of Georgia” to pursue base-  
13          less voter fraud claims, according to documents  
14          from the 2021 impeachment.

15          (F) In a June 21, 2022, January 6th  
16          Committee hearing, the Committee played a re-  
17          corded interview with Mike Shirkey, the then-  
18          Republican Majority Leader of the Michigan  
19          State Senate, in which Mr. Shirkey revealed  
20          that he received nearly four thousand text mes-  
21          sages after Mr. Trump publicly disclosed Mr.  
22          Shirkey’s personal cellphone number on Twitter  
23          in an effort to pressure Mr. Shirkey to hold a  
24          vote to decertify the 2020 election results in  
25          Michigan.

1 (G) After Al Schmidt, former City Com-  
2 missioner of Philadelphia, said that he believed  
3 that there was no significant evidence of voter  
4 fraud, Mr. Trump tweeted that Mr. Schmidt  
5 “refuse[d] to look at a mountain of corruption  
6 and dishonesty”, and Mr. Schmidt and his fam-  
7 ily members began to receive specific and tar-  
8 geted threats.

9 (H) In an October 13, 2022, January 6th  
10 Committee hearing, the Committee presented a  
11 recorded call between Mr. Trump and Secretary  
12 Raffensperger in which Mr. Trump told Sec-  
13 retary Raffensperger he wanted to “find 11,780  
14 votes”, which would be “one more than” Mr.  
15 Trump would need to prevail against President-  
16 Elect Biden. During that same call, Mr. Trump  
17 implied that Secretary Raffensperger would po-  
18 tentially face legal consequences if Secretary  
19 Raffensperger did not find the votes Mr. Trump  
20 requests.

21 (I) In a recording played in a June 21,  
22 2022, January 6th Committee hearing, Gabriel  
23 Sterling, Chief Operating Officer of the Georgia  
24 Secretary of State, said that election workers  
25 were being directly threatened by those who be-

1           lieved the results of the election were fraudu-  
2           lent. He said of the violence perpetrated against  
3           election workers: “It has to stop. Mr. President,  
4           you have not condemned these actions or this  
5           language. Senators, you have not condemned  
6           this language or these actions. This has to stop.  
7           We need you to step up. And if you’re gonna  
8           take a position of leadership, show some. My  
9           boss, Secretary Raffensperger, his address is  
10          out there. They have people doing caravans in  
11          front of their house. They’ve had people come  
12          on to their property. It has to stop. This is elec-  
13          tions. This is the backbone of democracy. And  
14          all of you who have not said a damn word are  
15          complicit in this.”.

16          (9) Evidence has shown that on January 6,  
17          2021, Mr. Trump’s intention was to encourage a  
18          mob to go to the Capitol to stop the certification,  
19          where lawmakers and Mr. Pence were present, in-  
20          cluding as follows:

21                (A) At around 1:30 in the morning of De-  
22                cember 19, 2020, Mr. Trump sent out a tweet  
23                urging his supporters to come to Washington,  
24                D.C. on January 6: “be there, will be wild!”.

1 (B) The January 6th Committee presented  
2 evidence in the July 12, 2022, hearing that Mr.  
3 Trump's tweet launched a barrage of activity  
4 online, where previously unconnected right-wing  
5 extremist groups began coordinating plans to  
6 arrive in Washington, D.C. for January 6.

7 (C) In the same hearing, the January 6th  
8 Committee presented evidence that Homeland  
9 Security in Washington, D.C. was aware that  
10 these violent groups were planning to arrive in  
11 the city.

12 (D) In the same hearing, recorded testi-  
13 mony by Katrina Pierson, former campaign ad-  
14 visor to the Trump Campaign, revealed that she  
15 was concerned that these groups may cause  
16 trouble at the January 6 rally, and expressed  
17 her concerns to Mr. Meadows.

18 (E) In the same hearing, the January 6th  
19 Committee presented evidence that Mr. Trump  
20 made last-minute edits to his rally speech to  
21 specifically reference Mr. Pence.

22 (F) Cassidy Hutchinson, former aide to  
23 Mr. Meadows, testified in a June 28, 2022,  
24 January 6th Committee hearing that the ad-  
25 ministration was aware that violence was likely

1           on January 6, 2021, before that date occurred,  
2           and made no moves to prevent such violence.

3           (G) In the same hearing, Ms. Hutchinson  
4           testified that on the morning of January 6, the  
5           former Chief of Staff was made aware of people  
6           with weapons on the National Mall but seemed  
7           untroubled.

8           (H) In the same hearing, Ms. Hutchinson  
9           testified that Mr. Trump was furious that the  
10          rally area was not at maximum capacity and  
11          wanted the magnetometers removed so that  
12          attendees with weapons could enter. “They’re  
13          not here to hurt me,” Ms. Hutchinson recalled  
14          Mr. Trump saying. “Let my people in. They  
15          can march to the Capitol from here.”.

16          (I) In an October 13, 2022, January 6th  
17          Committee hearing, the Committee presented  
18          evidence that revealed the Secret Service was  
19          aware that portions of the crowd gathered out-  
20          side of Mr. Trump’s rally at the Ellipse were  
21          armed. Mr. Trump was informed of the likeli-  
22          hood that part of the crowd was armed, but he  
23          nevertheless held the rally and instructed the  
24          crowd to descend upon the Capitol.

1           (J) In the June 28, 2022, January 6th  
2           Committee hearing, Ms. Hutchinson testified  
3           that Mr. Giuliani told her that January 6 would  
4           be a “great day” and that Mr. Trump would  
5           “look powerful.”.

6           (K) On January 6 at his rally at the El-  
7           lipse, Mr. Trump said: “Democrats are trying  
8           to steal the White House...[y]ou can’t let it  
9           happen. You can’t let it happen”, and that  
10          “[T]hey’re not taking this White House. We’re  
11          going to fight like hell, I’ll tell you right now.”.

12          (L) Mr. Trump also said on that day: “If  
13          Mike Pence does the right thing we win the  
14          election...we become president and you are the  
15          happiest people...Mike Pence is going to have to  
16          come through for us and if he doesn’t, it’s a  
17          sad day for our country.”.

18          (M) Mr. Trump also said: “I said some-  
19          thing is wrong here, something is really wrong,  
20          can’t have happened and we fight, we fight like  
21          hell, and if you don’t fight like hell you’re not  
22          going to have a country anymore...[W]e are  
23          going to try—give our Republicans, the weak  
24          ones because the strong ones don’t need any of  
25          our help, we’re try—going to try and give them

1 the kind of pride and boldness that they need  
2 to take back our country. So let's walk down  
3 Pennsylvania Avenue.”.

4 (N) In a June 28, 2022, January 6th  
5 Committee hearing, recorded testimony by  
6 former White House aides Nick Luna and Max  
7 Miller revealed that Mr. Trump was serious in  
8 his intention to go to the Capitol with the  
9 crowd.

10 (O) In the same hearing, Ms. Hutchinson  
11 also testified that Mr. Trump was furious when  
12 informed that he could not go to the Capitol  
13 himself. Ms. Hutchinson testified that she was  
14 told that Mr. Trump attempted to grab the  
15 steering wheel of the car himself to make Secret  
16 Service take him to the Capitol.

17 (P) The January 6th Committee presented  
18 evidence in a July 21, 2022, hearing that while  
19 the insurrection was occurring, Mr. Trump sat  
20 in the White House dining room and watched  
21 coverage of the insurrection on Fox News for  
22 more than two and a half hours.

23 (Q) In the same hearing, recorded testi-  
24 mony by Mr. Cipollone revealed that at no point



1 did Mr. Trump contact or give orders to any  
2 law enforcement agencies to intervene.

3 (R) In the same hearing, recorded testi-  
4 mony by Kayleigh McEnany revealed that Mr.  
5 Trump contacted Senators from his place in the  
6 dining room, encouraging them to delay the cer-  
7 tification.

8 (S) In the same hearing, recorded testi-  
9 mony by Mr. Cipollone revealed that he, Ivanka  
10 Trump, Eric Herschmann, and Mark Meadows,  
11 among others, believed Mr. Trump should make  
12 a public statement in response to the growing  
13 violence at the Capitol. Mr. Cipollone remarked  
14 that Mr. Trump could have gone to the White  
15 House briefing room to make a statement at  
16 any point.

17 (T) The January 6th Committee presented  
18 evidence in the same hearing that Donald  
19 Trump, Jr. texted Mr. Meadows on the after-  
20 noon of January 6, 2021, saying “He’s got to  
21 condemn this shit. Asap. The capitol police  
22 tweet is not enough.”. Sean Hannity also texted  
23 Mr. Meadows expressing a similar sentiment.

24 (U) The January 6th Committee presented  
25 evidence in the same hearing that Minority

1           Leader Kevin McCarthy called Mr. Trump di-  
2           rectly, urging him to call off the violence. When  
3           Mr. Trump refused, Mr. McCarthy reportedly  
4           reached out directly to Ivanka Trump and  
5           Jared Kushner, asking for assistance.

6           (V) Mr. Trump, while the insurrection was  
7           occurring at the Capitol, told the people who  
8           stormed the Capitol via a social media video,  
9           “[W]e love you, you’re very special.”.

10          (W) Mr. Trump, on social media referring  
11          to the insurrection that occurred at the Capitol,  
12          declared: “[t]hese are the things and events  
13          that happen when a sacred landslide election  
14          victory is so unceremoniously & viciously  
15          stripped away.”.

16          (X) In the June 28, 2022, January 6th  
17          Committee hearing, Ms. Hutchinson testified  
18          that the former Chief of Staff seemed largely  
19          unconcerned about the reports of violence and  
20          that Mr. Trump wanted to be alone.

21          (Y) In the same hearing, Ms. Hutchinson  
22          testified that the former Chief of Staff told her  
23          that Mr. Trump felt that the former Vice Presi-  
24          dent deserved the “Hang Mike Pence” threats,

1           and that the protestors were doing nothing  
2           wrong.

3           (Z) In the same hearing, Ms. Hutchinson  
4           testified that allies and supporters were urging  
5           Mr. Trump to tell the protestors to go home,  
6           but he was very reluctant to do so.

7           (AA) The January 6th Committee pre-  
8           sented evidence in the July 22, 2022, hearing  
9           that in the hour before the Joint Session recon-  
10          vened following the end of the violence, Mr.  
11          Giuliani called several Republicans in Congress,  
12          urging them to delay the certification of the  
13          votes.

14          (10) Evidence shows that Mr. Trump's team  
15          recognized the illegality of their and Mr. Trump's  
16          actions, and that he may have been unfit to serve in  
17          office, including as follows:

18                (A) The January 6th Committee presented  
19                evidence in a June 16, 2022, hearing that Mr.  
20                Eastman emailed Mr. Giuliani on January 11,  
21                2021, saying: "I've decided that I should be on  
22                the pardon list, if that is still in the works."

23                (B) Ms. Hutchinson testified in a June 28,  
24                2022, January 6th Committee hearing that  
25                members of Mr. Trump's cabinet were dis-

1 cussing a potential invocation of the Twenty-  
2 fifth Amendment.

3 (C) Ms. Hutchinson testified in the same  
4 hearing that Mr. Giuliani and Mr. Meadows  
5 both sought presidential pardons in the days  
6 after January 6, 2021.

7 **SEC. 2. INELIGIBILITY OF DONALD J. TRUMP TO HOLD ANY**  
8 **OFFICE UNDER THE UNITED STATES.**

9 Under Section 3 of the Fourteenth Amendment to  
10 the Constitution of the United States, Donald J. Trump  
11 is ineligible to again hold the office of President of the  
12 United States, or to hold any office, civil or military, under  
13 the United States.

14 **SEC. 3. NO IMPACT ON EXISTING STATE AND FEDERAL**  
15 **PROCESSES FOR ENFORCING SECTION 3 OF**  
16 **THE FOURTEENTH AMENDMENT.**

17 This Act shall not supersede, foreclose, or impair any  
18 local, State, or Federal authority, cause of action, or legal  
19 process that can give effect to Section 3 of the Fourteenth  
20 Amendment to the Constitution of the United States.